

20-10-54

MEMORANDUM FOR: Colonel White

SUBJECT : Termination Secrecy Agreement

1. After careful study of the attached proposed termination secrecy agreement, my recommendation is that it is not adequate to the needs of CIA and that it should be redrafted to remedy certain apparent deficiencies.

2. As presently drafted, I believe the agreement unintentionally infringes upon the rights of the Executive, Judicial and Legislative departments of the government. This conclusion is necessitated by the fact that it presumes that the requirements of two statutes will automatically prevail over constitutional and other requirements which may come in conflict. For this reason, the secrecy agreement appears to be a "gag" forced upon the individual for the exclusive protection of CIA. Accordingly, under certain circumstances and in the wrong hands, I believe that this agreement would be a politically H-bomb. Lastly, this one-sidedness of the agreement will probably anger and incite hostile employees rather than dissuade them from making disclosures injurious to CIA.

3. I have redrafted the agreement. This redraft is intended to at least compromise points to which there may be no predeterminable answer by insuring prior collaboration with CIA before instituting any action which might necessitate the disclosure of sensitive information. It also attempts to win over employees by an assurance that CIA will not shirk its responsibilities to the detriment of the government as such or the individual by hiding behind the individual's secrecy oath.

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[Redacted box]

2 Attachments

HEH:mj (19 April 1954)

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